



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON D.C. 20554

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DA No. 17-1049

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Thursday October 26, 2017

International Authorizations Granted

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

Petition for Declaratory Ruling
Grant of Authority

Date of Action: 10/24/2017

GigSky, Inc. (GigSky or Petitioner) has filed a petition with the Commission for a declaratory ruling (Petition) pursuant to section 1.5000(a)(1) of the Commission's rules, 47 CFR § 1.5000(a)(1), that the public interest would be served by allowing foreign ownership of GigSky Mobile, LLC (GigSky Mobile) to exceed the 25 percent benchmark in section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 310(b)(4). GigSky has filed the Petition in connection with an application to transfer control of GigSky Mobile, from WorldCall, Inc. (WorldCall) to GigSky. See ULS File No. 0007099093. GigSky Mobile holds two common carrier wireless licenses, Call Signs WQJZ324 and WQJZ325, in the 700 MHz lower band. GigSky supplemented the Petition on December 9, 2016 and January 18, 2017, including an update on new foreign investors and a new U.S. investor in GigSky.

GigSky Mobile is a Delaware limited liability company that is jointly owned by WorldCall, a Delaware corporation (80%), and GigSky, a Delaware corporation (20%). Upon closing, GigSky will acquire all of WorldCall's ownership interest in GigSky Mobile. GigSky Mobile will become a wholly-owned subsidiary of GigSky. According to the Petition, Mr. Ravi Rishy-Maharaj, a Canadian citizen, will hold directly 29.883% of GigSky's equity and voting interests and, indirectly, 3.875% of its equity and 4.079% of its voting interests through his 95% ownership interest in Kinaare Networks Corporation, a Nevada corporation (an aggregate 33.758% of GigSky's equity interests and 33.962% of its voting interests). Mr. Takekazu Kishimoto, a Japanese citizen, will hold directly 6.632% of GigSky's equity and voting interests, a 6.675% indirect equity and voting interest through his majority ownership and control of Kisco Ltd., a Japanese limited company, and a 4.079% indirect equity and voting interest through his majority ownership and control of Kisco(T), Ltd., a Thailand limited company and subsidiary of Kisco Ltd. (an aggregate 17.386% of GigSky's equity and voting interests). WiL Fund, L.P. (WiL Fund), a Cayman Islands limited partnership, will hold directly 6.702% of GigSky's equity and voting interests. The general partner (2% equity) of WiL Fund is WiL GP I L.P., a Cayman Islands entity. Mr. Gen Isayama, a Japanese citizen, holds 92.5% ownership interest in WiL GP. Fairbridge GigSky, a Delaware limited liability company, will hold 10.683% direct equity and voting interest in GigSky. The remaining equity and voting interests in GigSky will be held by individuals or entities each holding less than 5 percent ownership interest.

Pursuant to section 1.5001(i) of the rules, Petitioner requests that the Commission specifically approve the foreign equity and/or voting interests to be held directly and/or indirectly in GigSky, the proposed controlling U.S. parent of GigSky Mobile, by:

Ravi Rishy-Maharaj (33.758% equity and 33.962% voting)

Takekazu Kishimoto (17.386% equity and voting)

Kisco Ltd. and Kisco(T), Ltd. (an aggregate 10.754% equity and voting)

WiL Fund (6.702% equity and voting)

Pursuant to section 1.5001(k)(2) of the rules, the Petitioner also requests approval for Mr. Rishy-Maharaj, Mr. Kishimoto, Kisco Ltd., and WiL Fund to increase their direct and/or indirect equity and/or voting interests in GigSky beyond the percentages specified above, up to a non-controlling 49.99 percent.

Petitioner asserts that the public interest would be served by permitting foreign ownership of GigSky, the proposed controlling U.S. parent of GigSky Mobile, to exceed the 25 percent benchmark in section 310(b)(4).

Pursuant to the rules and policies established by the Commission's Foreign Ownership Second Report and Order in IB Docket No. 11-133, FCC 13-50, 28 FCC Rcd 5741 (2013), as amended in GN Docket No. 15-236, FCC 16-128, 31 FCC Rcd 11272 (2016), we find that the public interest would not be served by prohibiting foreign ownership of GigSky Mobile in excess of the 25 percent benchmark in section 310(b)(4) of the Act. Specifically, this ruling permits aggregate foreign ownership of GigSky Mobile's controlling U.S. parent company, GigSky, to exceed, directly and/or indirectly, 25 percent of its equity and/or voting interests, subject to the terms and conditions set forth in section 1.5004 of the Commission's rules, 47 CFR § 1.5004, including the requirement to obtain Commission approval before GigSky's foreign ownership exceeds the terms and conditions of this ruling.

In addition, pursuant to section 1.5001(i) of the rules, this ruling specifically permits the foreign individuals and entities named above to hold equity and/or voting interests in GigSky up to and including the amounts specified above. We also specifically approve the 6.702 percent voting interest that we deem to be held indirectly by WiL GP I L.P. and its majority interest holder, Mr. Gen Isayama. This ruling also specifically permits: Mr. Rishy-Maharaj, Mr. Kishimoto, Kisco Ltd., Kisco(T), Ltd. and WiL Fund (including its general partner, WiL GP I L.P. and its majority interest holder, Mr. Gen Isayama), individually or collectively, to increase their equity and/or voting interests, at some future time, up to and including a non-controlling direct and/or indirect 49.99 percent equity and/or voting interest in GigSky.

GigSky Mobile has an affirmative duty to monitor its foreign equity and voting interests, calculate these interests consistent with the principles enunciated by the Commission, including the standards and criteria set forth in sections 1.5002 through 1.5003 of the Commission's rules, 47 CFR §§ 1.5002-1.5003, and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act. See 47 CFR § 1.5004, note to paragraph (a).

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition to Adopt Conditions) filed on October 24, 2017, by the Department of Justice (DOJ), to condition this grant on compliance by GigSky with the commitments and undertakings set forth in the October 20, 2017 Letter of Agreement (LOA) from Mr. John Francis, Chief Financial Officer, GigSky, Inc. to the Assistant Attorney General for National Security, DOJ. A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of this ruling and the underlying licenses and thus grounds for declaring them terminated without further action on the part of the Commission. Failure to meet a condition of this ruling may also result in monetary sanctions or other enforcement action by the Commission. A copy of the Petition to Adopt Conditions and the LOA are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for ISP-PDR-20160415-00008 and accessing "Other filings related to this application" from the Document Viewing area.

— This declaratory ruling is without prejudice to the Commission's action on any other related pending application(s). —

ITC-214-20170921-00163 E Smartlink Media Networks, LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 10/20/2017

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-T/C-20170829-00148 E Norcast Communications Corporation

Transfer of Control

Grant of Authority

Date of Action: 10/20/2017

Current Licensee: Norcast Communications Corporation

FROM: Norcast Communications Corporation

TO: Digital West Networks, Inc.

Application filed for consent to the transfer of control of Norcast Communications Corporation (Norcast), which holds international section 214 authorization ITC-214-20030410-00183, to Digital West Networks, Inc. (Digital West). Digital West will acquire all of the stock of Norcast and therefore direct control of Norcast. Post-consummation Digital West will be owned by Timothy L. Williams (76%) and Farragut Capital Partners 5425 (15%). No other individual or entity will have a greater than ten percent direct or indirect ownership in Digital West or Norcast.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

ITC-T/C-20170908-00153 E UTC Long Distance LLC

Transfer of Control

Grant of Authority

Date of Action: 10/20/2017

Current Licensee: UTC Long Distance LLC

FROM: MSouth Equity Partners, LP

TO: United Communications Holdings, LLC

Application filed for consent to the transfer of control of UTC Long Distance LLC (UTC-LD), which holds international section 214 authorization ITC-214-19970205-00061, from MSouth Equity Partners, L.P. (MSouth) to William H. Bradford and Eugene B. Johnson. MSouth currently holds 58.2% voting interest and 48.2% equity interest in United Communications Holdings, LLC (UCH), the 100% direct parent of UTC-LD. Pursuant to an agreement between UCH and MSouth, UCH will redeem the shares in UCH held by MSouth. Upon consummation, MSouth will no longer have any ownership interest in UCH. Messrs. Bradford and Johnson will each hold 50% of the voting units and jointly control UCH. Mr. Bradford will hold 53.3% of the equity units in UCH and Mr. Johnson will hold 40.8% of the equity units.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

ITC-T/C-20170922-00160 E Blue Rooster Telecom, Inc.

Transfer of Control

Grant of Authority

Date of Action: 10/20/2017

Current Licensee: Blue Rooster Telecom, Inc.

FROM: Norcast Communications Corporation

TO: Digital West Networks, Inc.

Application filed for consent to the transfer of control of Blue Rooster Telecom, Inc. (Blue Rooster), which holds international section 214 authorization ITC-214-20100317-00112, from its 100% direct parent, Norcast Communications Corporation (Norcast), to Digital West Networks, Inc. (Digital West). Digital West will acquire all of the stock of Norcast and therefore indirect control of Blue Rooster. Post-consummation Digital West will be owned by Timothy L. Williams (76%) and Farragut Capital Partners 5425 (15%). No other individual or entity will have a greater than ten percent direct or indirect ownership in Digital West or Blue Rooster.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

ITC-T/C-20170929-00161

E

Global Reach Communications, Inc.

Transfer of Control

Grant of Authority

Date of Action: 10/25/2017

Current Licensee: Global Reach Communications, Inc.

FROM: GRAHAM M MILNE

TO: Graham M. Milne Revocable Living Trust Dated August 11, 2011

Notification filed September 29, 2017, of the pro forma transfer of control of Global Reach Communications (Global Reach), which holds international section 214 authorization, ITC-214-20120504-00119, from Graham M. Milne to the Graham M. Milne Revocable Living Trust Dated August 11, 2011(Trust), effective August 31, 2017. Global Reach is a wholly-owned subsidiary of VIP (Holdings) Inc. (VIP). On August 31, 2017, Mr. Milne transferred his ownership interest in VIP, and thus his indirect control of Global Reach, to the Trust. Mr. Milne and Melissa J. Milne, his wife, both U.S citizens, are the trustees of the Trust.

ITC-T/C-20170929-00162

E

VIP Communications, Inc.

Transfer of Control

Grant of Authority

Date of Action: 10/25/2017

Current Licensee: VIP Communications, Inc.

FROM: GRAHAM M MILNE

TO: Graham M. Milne Revocable Living Trust Dated August 11, 2011

Notification filed September 29, 2017, of the pro forma transfer of control of VIP Communications, Inc. (VIP Communications), which holds international section 214 authorization, ITC-214-9961125-00600, from Graham M. Milne to the Graham M. Milne Revocable Living Trust Dated August 11, 2011(Trust), effective August 31, 2017. Global Reach is a wholly-owned subsidiary of VIP (Holdings) Inc. (VIP). On August 31, 2017, Mr. Milne transferred his ownership interest in VIP, and thus his indirect control of VIP Communications, to the Trust. Mr. Milne and Melissa J. Milne, his wife, both U.S citizens, are the trustees of the Trust.

INFORMATIVE

ITC-214-19971229-00821

Level 3 Communications, LLC

By letter dated October 10, 2017, Applicant notified the Commission that TelCove Operations, LLC, a Level 3 company, will be discontinuing its ISDN/PRI and Analog Phone services in the North Charleston and Spartanburg, South Carolina and Daytona Beach, Florida metropolitan areas on October 9, 2017.

By letter dated October 12, 2017, Applicant notified the Commission that TelCove Operations, LLC, a Level 3 company, will be discontinuing its ISDN/PRI and Analog Phone services in the Greensboro, North Carolina metropolitan area on October 12, 2017.

ITC-214-20100407-00149

DSI-ITI, Inc.

On September 28, 2017, the Commission was notified that DSI-ITI, LLC has changed its name to DSI-ITI, Inc.

SURRENDER

ITC-214-20030318-00152

LDL Telecom Services, Inc., d/b/a Key Communications Services

Applicant notified the Commission of the Surrender of its international section 214 authorization effective October 16, 2017.

ITC-214-20160419-00140

Global Talk 123, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective October 16, 2017.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.

(4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F.R. § 63.23(d).

(5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.

(7) Carriers shall file annual circuit capacity reports required by Section 43.62(a). See <http://www.fcc.gov/encyclopedia/circuit-capacity-report>.

(8) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.

(9) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(10) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(11) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

(12) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 C.F.R. §§ 1.20000 et seq.

(13) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 C.F.R. §§ 1.47(h), 64.1195.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 C.F.R. § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at http://transition.fcc.gov/bureaus/ib/sd/se/market_access.html.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>.

For additional information, contact the International Bureau's Telecommunications and Analysis Division, (202) 418-1480.